

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND and)	
LABORERS' WELFARE FUND OF THE)	
HEALTH AND WELFARE DEPARTMENT)	
OF THE CONSTRUCTION AND GENERAL)	
LABORERS' DISTRICT COUNCIL OF)	
CHICAGO AND VICINITY, JAMES S.)	
JORGENSEN, Administrator of the Funds,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 11 C 3841
)	
AZTECA POWER CONSTRUCTION, INC.,)	Magistrate Judge Schenkier
)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR PROVE UP OF DAMAGES

Plaintiffs, Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (collectively the "Funds"), and James S. Jorgensen, pursuant to the Court's order of May 29, 2014, by their attorney, states:

1. On August 13, 2012, the parties entered into a Settlement Agreement and Release ("Settlement Agreement" attached as Exh. 2), which provides for an Installment plan for unpaid amounts totaling \$210,396.58, in principal together with interest. The Settlement Agreement provides that Azteca shall be deemed in default ten days after payments or due or ten days after a material breach of the terms of the Agreement, allowing the Funds to accelerate balance owed. The Funds are also entitled to judgment for reasonable attorneys' fees incurred by the Funds in efforts to obtain full payment on the note. (See, Settlement Agreement, Exh. 2 ¶ 8).

2. In the Court order of May 29, 2014, the Court provided that judgment for amounts owed will be filed against the following individuals: Norma Maciel, Jaime Gonzalez, Enrique Cahue, and Alfonso Tenorio.

3. Plaintiffs attach an affidavit from the Field Representative assigned by the Funds. (Exhibit 1). As established in Mr. Christopher's affidavit the Funds are owed a balance of \$ 74,435.11 (See, Affidavit Michael Christopher, Exhibit 1.).

4. Attorneys' fees and costs are entitled to be entered against Azteca and on behalf of the Funds for time necessary to obtain compliance with the Settlement Agreement. As established by the affidavit of Karen I. Engelhardt, the Funds incurred attorneys' fees in the amount of \$2,776.00, to enforce the Settlement Agreement. (See affidavit of K. Engelhardt, Exhibit 3.).

Wherefore, Plaintiffs request that this Court enter judgment against Azteca Power Construction, Inc., and Norma Maciel, Jaime Gonzalez, Enrique Cahue, and Alfonso Tenorio, individually, in the total amount of \$77,211.11.

Respectfully submitted,

/s/ Karen I. Engelhardt
One of plaintiffs' attorneys

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